



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

1190 St. Francis Drive, Room N2150

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Santa Fe, New Mexico 87502

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Constituent Agencies

Environment Department
Office of State Engineer
Game and Fish Department
Oil Conservation Division
Department of Agriculture
State Parks Division
Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources
Municipal/County Representative
Members -at Large

APPROVED June 14, 2005

Minutes of the

**New Mexico Water Quality Control Commission Meeting
April 12, 2005**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on April 12, 2005 at the New Mexico State Capitol Building, Room 321:

MEMBERS PRESENT: April 12, 2005

Derrith Watchman-Moore	Acting Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Steve Glass	City of Albuquerque – Municipal/County Representative
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Doug Murray	Office of State Engineer
Roger Anderson	Oil Conservation Division (for Mark Fesmire)
Lynn Brandvold	Bureau of Geology and Mineral Resources
Tim Darden	Department of Agriculture
Mike Sloane	Department of Game & Fish
Fred Lujan	Member-at-Large

OTHERS PRESENT:

Zack Shandler, WQCC Counsel	Tracy Hughes, NMED, OGC
Sally Worthington, NMED	Louis Rose, Montgomery & Andrews
Felicia Orth, NMED	Patty Grice, MVNA
Barbara Claire, NMED	Julio Dominguez
Jennifer Ickes, SWQB	Chris Shaw
Christine Kelso	George Schuman, NMED
Bill Olson, NMED	Gene Turner, NNSA
Heidi Henderson, NMED	Shelley Lemon, NMED
Lynette Guevera, NMED	Jane DeRose-Bamman, NMED

Glen Saums, NMED SWQB
Gary Larson, Hinkle Law Firm
Mike Saladen, LANL
B.J. Brock
Marcy Leavitt, NMED SWB
Cecilia Abeyta

Tim Michael, NMED SWQB
Stephanie Stringer, NMED SWQB
Phillip Krepfl, AAA Pumping
Francisco Apodaca, NMED
Rachel Corn

Derrith Watchman-Moore, Acting Chair, called the meeting of the WQCC to order at 9:05 a.m.

Item #1 Roll Call

Barbara Claire took roll and noted a quorum was present.

Item #2 Approval of Agenda

ACTION: Commissioner Glass moved to approve the agenda as amended. Commissioner Brandvold seconded. Motion carried unanimously.

Item #3 Vote on the 2005 Open Meetings Act Resolution

ACTION: Commissioner Glass moved to approve the Open Meetings Act as presented. Commissioner Hutchinson seconded. Motion carried unanimously.

Item #4 Discussion and possible vote on timely notice by NMED on AAA-Septic Discharge Permit and Mountain View Neighborhood Association (WQCC 05-01(A), Ground Water Quality Bureau, Ground Water Bureau Discharge Permit P-1471) or set appeal of DP-1471 for hearing.

ACTION: Commissioner Hutchinson moved to make an amended motion to grant a hearing date of June 14, 2005, the Chair will serve as the Hearing Officer; a court reporter will be present. Commissioner Glass seconded. Motion carried unanimously.

Item #5 Approval of Final Draft for Upper Rio Grande Part II (Cochiti to Pilar, NM) Watershed TMDL's. (Jennifer Ickes, Surface Water Quality Bureau, 20 minutes)

ACTION: Commissioner Goad moved to approve the Final Draft as presented. Commissioner Brandvold seconded. Motion carried unanimously.

Item #6 Consideration of Oil Conservation Division's Motion to Dismiss as Moot on the Matter of the Petition for Hearing on Discharge Permit Required Determination, Duke Energy Field Services, LP (WQCC 04-06 (P)).

ACTION: **Commissioner Sloane moved to close this case and Grant the Motion to Dismiss as Moot, and an Order issued to that effect. Commissioner Brandvold seconded. Motion carried unanimously.**

Item #7 **Reopening deliberations on the Triennial Review to address criteria in Sec. 20.6.4.126 (proposed segment 20.6.4.121a) through Sec. 20.6.4.128 (proposed segment 20.6.4.121c).**

Commissioner Olson replaced Commission Watchman-Moore and reopened the Commission deliberations as Hearing Officer in the Triennial Review at approximately 10:40 am. Commissioner Darden recused himself from the meeting at approximately 10:15am when the Commission recessed for a break.

ACTION: **Commissioner Glass moved to adopt the criteria as proposed by NMED in 20.6.4.126.B in the proposed Statement of Reasons. Commissioner Goad seconded. Motion carried unanimously. Abstentions: Commissioners Sloan and Darden.**

ACTION: **Commissioner Glass moved to adopt the proposed total acute ammonia criteria in 20.6.4.900K as proposed by U of C in 20.6.4.128.B in the proposed Statement of Reasons. Commissioner Bada seconded. Motion carried unanimously. Abstentions: Commissioners Sloan and Darden.**

Commissioner Olson closed the Commission deliberations on the Triennial Review at 11:25 am.

Item #8. **Approval of Statement of Reasons in the Triennial Review**

There was a lengthy discussion of the Statement of Reasons and The Final Order/ Statement of Reasons will include information on specific actions taken during the Commission's deliberations.

ACTION: **Commissioner Glass moved to adopt the Statement of Reasons in the Triennial Review as amended. Commissioner Brandvold seconded. Motion carried unanimously. Abstentions: Commissioners Sloan and Darden.**

Item #9. **Approval of the January 11, 2005 Meeting Minutes**

ACTION: **Commissioner Murray moved to approve the January 11, 2005 Minutes as amended. Commissioner Goad seconded. Recusals: Commissioners Anderson, Darden, Sloane, and Lujan Motion carried unanimously.**

Item #10. **Other Business**

- Legislative Update from NMED – Division Director Ana Marie Ortiz, NMED Field Operations Division, made a presentation to the Commission on HB 153: “An act relating to occupations; changing the Powers and Duties of the Water Quality Control Commission and the Department of Environment pertaining to regulation of utility operators; increasing fees; providing for hearings and appeals; making an appropriation.” Ms. Ortiz announced that the Department would be coming before the Commission with proposed regulations for the new fees. Tracy Hughes, General Counsel, NMED, presented SB 142, the Recycling and Illegal Dumping Act. Ms. Hughes also presented HB35 which eliminates De Novo hearings before the WQCC and mandates changes in regulations on public notice of permit applications. Ms. Hughes announced to the Commission that the proposed regulations would be drafted and the Department will request a hearing at the next regularly scheduled WQCC meeting.
- WQCC Meeting on Legislative Session – Commissioner Murray proposed the Commission meet regarding upcoming issues in the Legislative session. Counsel Shandler advised that this is a policy decision that can be revisited in November or December of this year.
- WQCC Sunset – Commissioner Olson announced that the sunset of the Commission had been extended.

Item #11. Next regularly scheduled meeting is May 10th

Item #12. Adjournment

There being no other business before the Commission, the meeting was adjourned at 5:15 pm.

ACTION: Commissioner Sloane moved to adjourn the meeting at 5:15 pm.
Commissioner Goad seconded. Motion carried unanimously.

WQCC Chair